

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GABRIEL COYLE,	:	
	:	
Plaintiff,	:	CIVIL ACTION NO. 21-4704
	:	
v.	:	
	:	
MONTGOMERY COUNTY,	:	
PENNSYLVANIA; MONTGOMERY	:	
COUNTY CORRECTIONAL FACILITY;	:	
PRIMECARE MEDICAL, INC.; JOHN	:	
DOE GUARDS 1-5; JOHN DOE PRIME	:	
CARE EMPLOYEES 1-5; PRIMECARE	:	
NURSE OCTAVIER BROWN;	:	
PRIMECARE NURSE JILLIAN	:	
BRIGHTER; PRIMECARE DOCTOR	:	
STEVEN WILBRAHAM; PRIMECARE	:	
NURSE COURTNEY SHAEFFER;	:	
PRIMECARE NURSE MARYAM	:	
ABDALGHANI; PRIMECARE	:	
PHYSICIAN’S ASSISTANT BRIANNA	:	
CULP; PRIMECARE PHYSICIAN’S	:	
ASSISTANT ANGELA NAPOLITANO,	:	
MONTGOMERY EINSTEIN HOSPITAL	:	
JOHN DOE SURGERY TEAM 1-5; and	:	
JOHN DOE GUARD WHITE SHIRT 1,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 20th day of March, 2023, after considering: (1) the complaint filed by the *pro se* plaintiff, Gabriel Coyle (“Coyle”) (Doc. No. 5); (2) the notice of intent to file a motion to dismiss claims of professional negligence for failure to file certificates of merit filed by Defendants PrimeCare Medical, Inc. (“PrimeCare”), PrimeCare Nurse Jillian Brighter (“Nurse Brighter”), PrimeCare Nurse Courtney Shaeffer (“Nurse Shaeffer”), PrimeCare Nurse Maryam Abdalghani (“Nurse Abdalghani”), PrimeCare Physician’s Assistant Brianna Culp (“PA Culp”), and PrimeCare Physician’s Assistant Angela Napolitano (“PA Napolitano”) (Doc. No. 13); (3) the

motion to dismiss the complaint filed by PrimeCare, Nurse Brighter, Nurse Shaeffer, Nurse Abdalghani, PA Culp, and PA Napolitano (Doc. No. 14); (4) the motion to dismiss filed by Defendant Montgomery County (the “County”) (Doc. No. 15); (5) Coyle’s letter dated October 13, 2022 (Doc. No. 19); (6) the motion to dismiss for lack of prosecution filed by PrimeCare, Nurse Brighter, Nurse Shaeffer, Nurse Abdalghani, PA Culp, and PA Napolitano (Doc. No. 21); (7) the on-the-record telephone conference with defense counsel and Coyle on November 10, 2022; (8) Coyle’s amended complaint (Doc. No. 25); (9) Coyle’s letter dated December 29, 2022 (Doc. No. 26); (10) the motion to dismiss the amended complaint filed by PrimeCare, Nurse Brighter, Nurse Shaeffer, Nurse Abdalghani, PA Culp, PA Napolitano, and Defendant PrimeCare Nurse Octavier Brown (“Nurse Brown”) (collectively, the “PrimeCare Defendants”) (Doc. No. 28); (11) the County’s motion to dismiss the amended complaint; (12) Coyle’s motion for the appointment of counsel (Doc. No. 32); and (13) the PrimeCare Defendants’ response in opposition to Coyle’s motion for appointment of counsel (Doc. No. 33); and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The PrimeCare Defendants’ motion to dismiss the amended complaint (Doc. No. 28) is **GRANTED**, and the causes of action in the amended complaint as asserted against the PrimeCare Defendants are **DISMISSED** as follows:

a. Coyle’s cause of action under 42 U.S.C. § 1983 for deliberate indifference to his serious medical needs in count I of his amended complaint, as asserted against PrimeCare only, is **DISMISSED WITH PREJUDICE**; and

b. Coyle’s causes of action for medical malpractice under Pennsylvania law against the PrimeCare Defendants in count III of the amended complaint is **DISMISSED WITH PREJUDICE**;

2. The County's motion to dismiss the cause of action under 42 U.S.C. § 1983 for municipal liability in count II of the amended complaint, as asserted against the County only, is **GRANTED**. Coyle's claim under 42 U.S.C. § 1983 for municipal liability against the County in count II of the amended complaint is **DISMISSED WITH PREJUDICE**;

3. Coyle's cause of action under 42 U.S.C. § 1983 for municipal liability in count II of the amended complaint, as potentially reasserted against the Montgomery County Correctional Facility, is **DISMISSED WITH PREJUDICE**;

4. Coyle's cause of action for a violation of the Eighth Amendment as asserted on page 1 and 2 of the amended complaint, and as applicable to any defendant named in the amended complaint, is **DISMISSED WITH PREJUDICE**;

5. Coyle's causes of action for medical malpractice under Pennsylvania law in count III of the amended complaint, as asserted against Defendants Montgomery Einstein Hospital and John Doe Surgery Team 1–5, are **DISMISSED**;

6. Coyle's cause of action under 42 U.S.C. § 1983 for deliberate indifference to his serious medical needs in count I of the amended complaint, as asserted against Defendant John Doe Guard White Shirt 1, is **DISMISSED**;

7. Coyle's causes of action for medical malpractice under Pennsylvania law in count III of the amended complaint, as asserted against John Doe PrimeCare Employees 1–5, are **DISMISSED WITH PREJUDICE**;

8. Coyle's cause of action for medical malpractice under Pennsylvania law in count III of the amended complaint, as asserted against PrimeCare Doctor Steven Wilbraham, is **DISMISSED WITH PREJUDICE**; and

9. Coyle's motion for appointment of counsel (Doc. No. 32) is **DENIED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED AS FOLLOWS:

1. The court will hold a telephone conference on **Tuesday, April 11, 2023**, at **2:30 p.m.** The parties shall call 1-866-434-5269 and use pin # 3623011# to enter the conference line;

2. Counsel for the PrimeCare Defendants and the County **shall** participate in the conference;¹ and

3. During this conference, the court intends to discuss the issues identified in the separately filed memorandum opinion regarding, *inter alia*, (a) Coyle's causes of action under 42 U.S.C. § 1983 for deliberate indifference to his serious medical needs against John Doe Prison Guards 1–5 and John Doe PrimeCare Employees 1–5; and (b) whether Coyle's claims against Montgomery Einstein Hospital, John Doe Surgery Team 1–5, or John Doe Guard White Shirt 1, possibly relate back to his original complaint.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.

¹ As the remaining John Doe defendants are purportedly employed by the County and PrimeCare, the court requires the input of defense counsel as to how to proceed with the case against those defendants.